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2-20-04

Docket No. 4126-4012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Rinehart et al.

Group Art Unit: tba

Serial No.: 10/693,174

Examiner: tba

Filed: October 23, 2003

For: SPISULOSINE COMPOUNDS

EXPRESS MAIL CERTIFICATE

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Date of Deposit: February 18, 2004

I hereby certify that the following attached paper(s) and/or fee

1. Transmittal of IDS and attached letter (2 pages + 1 page duplicate)
2. Information Disclosure Statement (3 pages + 1 page duplicate)
3. PTO Form 1449 (5 pages)
4. 69 cited references
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Michael A. Willis

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Michael A. Willis

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TRANSMITTAL OF IDS

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Sir:

The attached Information Disclosure Statement, Form PTO-1449, and cited references are submitted for consideration by the Patent and Trademark Office. With respect to the Fregeau thesis cited on page 5 of the Form PTO-1449, the attached letter from the University of Illinois Librarian establishes that the date of public availability for the Fregeau thesis is April 14, 1998. The PTO is invited to contact the undersigned if there are any questions regarding the attached documents.

- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4126-4012. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: February 18, 2004

By: Michael A. Willis

Michael A. Willis
Registration No. 53,913

Correspondence Address:

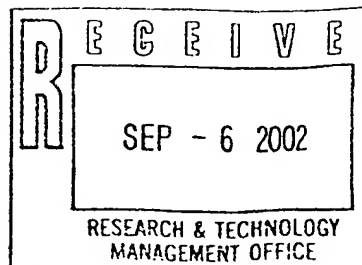
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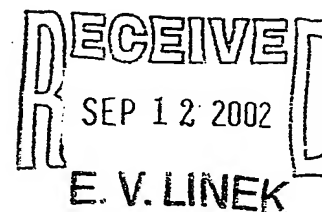
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September 5, 2002

4519/81237

Willis S. Colburn
Patent Coordinator
Office of Technology Management
319 Ceramics Building, MC-243
105 South Goodwin



Dear Mr. Colburn:

I write in response to your request to Barbara Henigman for the date on which Nancy Louise Fregeau's Ph.D. thesis was "cataloged" by the Library.

Internal Library Documentation dated February 8, 1998 indicates that the thesis was released from patent review and was included in box 18 of a shipment of Ph.D. theses submitted for the October 1997 graduation date. The Library entered a catalog record into OCLC (an international bibliographic data base) on April 14, 1998. We assume that the record would have been put into the FBR Online Catalog two days after the date it was entered into OCLC, on or about April 16, 1998. The item would have been available for circulation in that catalog until the online system offered through DRA software was made available to the public in August 1998.

I hope this is the information you are seeking. If not, please let me know what additional information I can provide.

Sincerely,

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BANNER & WITCOFF

Paula Kaufman
University Librarian

C: B. Henigman



Docket No. 4126-4012

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INFORMATION DISCLOSURE STATEMENT

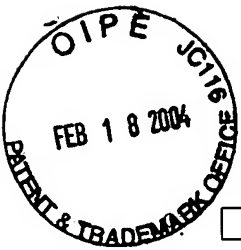
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P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on Form PTO-1449, a copy of which is enclosed, are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items and to independently ascertain their teaching.

1. ☐ For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, an English language translation of that item or a portion thereof or a concise explanation of the relevance of that item is enclosed:
2. ☐ For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application.
3. ☐ Any copy of the items listed on the enclosed copy of Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in application Serial No. _____, filed _____.
4. ☒ No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
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- ☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491 in an international application; or
- ☒ 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office action on the merits; or
- ☐ 37 C.F.R. §1.97(b)(4) before the mailing date of a first office action after the filing of an RCE under §1.114.
5. ☐ No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.
6. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a notice of allowance (where there has been no prior final action):
- ☐ A check in the amount of \$180.00 is enclosed in payment of the fee.
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7. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a notice of allowance, whichever comes first, but before payment of the issue fee, and is accompanied by:
- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below; and
- b. the fee due under 37 C.F.R. §1.17(p) which is paid as set forth in paragraph 11 below.
8. ☐ This Information Disclosure Statement is being filed in compliance with:
- a. ☐ 37 C.F.R. §1.313(b)(3) or §1.313(c)(1), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h);
- b. ☐ 37 C.F.R. §1.313(c)(2) or §1.313(c)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Request for Continued Examination (RCE) or a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h).
- c. ☐ The fee due under 37 C.F.R. §1.17(h) is paid as set forth in paragraph 11



Docket No. 4126-4012

Serial No. 10/693,174

below.

- ☐ I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- ☐ I hereby certify that no item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
10. ☐ This document is accompanied by ☐ a Search Report ☐ Communication which was cited in a corresponding ☐ PCT or ☐ Foreign counterpart application
11. ☐ A check in the amount of \$ _____ is enclosed in payment of the fees due under 37 C.F.R. §§1.17(h) and 1.17(p).
- ☐ Charge the fees due under 37 C.F.R. §§1.17(h) and 1.17(p) to Deposit Account No. 13-4500, Order No. _____. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
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Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: February 18, 2004

By:

Michael A. Willis

Michael A. Willis

Registration No. 53,913

Correspondence Address:

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Docket No. 4126-4012
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9. ☐ I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- ☐ I hereby certify that no item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
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USPTO Form 1449		U.S. Department of Commerce Patent and Trademark Office		Attorney Docket No. 4126-4012		Serial No. 10/693,174	
INFORMATION DISCLOSURE CITATION Sheet 1 of 1				Applicant(s): Rinehart et al.			
				Filing Date: October 23, 2003		Group: tba	
U.S. PATENT DOCUMENTS							
Examiner Initial		Patent No.	Date	Name	Class	Subclass	Filing Date (if appropriate)
	AA	4,816,450	03/28/89	Bell et al.	514	25	
	AB	5,190,876	03/02/93	Merrill, Jr. et al.	435	240	
FOREIGN PATENT DOCUMENTS							
Examiner Initial		Document No.	Date	Country	Class	Subclass	Translation
							YES NO
	BA	0 381 514 A2	08/08/90	EP	A61K	31/13	X
	BB	0 821 068 A2	01/28/98	EP	C12P	13/02	X
	BC	WO 96/18404	06/20/96	PCT	A61K	31/70	X
OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)							
	CA	H. Sun et al., "Weinbersterol Disulfates A and B, Antiviral Steroid Sulfates from the Sponge <i>Petrosia Weinbergi</i> ", <i>Tetrahedron</i> , Vol. 47, No. 7, pp. 1185-1190 (1991).					
	CB	S. Sakemi et al., "Antitumor Cyclic Peroxides from the Sponge <i>Plakortis Lita</i> ", <i>Tetrahedron</i> , Vol. 43, No. 1, pp. 263-268 (1987).					
	CC	S. Sakemi et al., "Isolation and Structure Elucidation of Onnamide A, a New Bioactive Metabolite of a Marine Sponge, <i>Theonella sp.</i> ", <i>J. Am. Chem. Soc.</i> , Vol. 110, pp. 4851-4853 (1988).					
	CD	M. Murata et al., "Structures and Configurations of Ciguatoxin from the Moray Eel <i>Gymnothorax javanicus</i> and Its Likely Precursor from the Dinoflagellate <i>Gambierdiscus toxicus</i> ", <i>J. Am. Chem. Soc.</i> , Vol. 112, pp. 4380-4386 (1990).					
	CE	M. Kernan et al., "Macrocyclic Antifungal Metabolites from the Spanish Dancer Nudibranch <i>Hexabranhus sanguineus</i> and Sponges of the Genus <i>Halichondria</i> ", <i>J. Org. Chem.</i> , Vol. 53, pp. 5014-5020 (1988).					
	CF	G. Pettit et al., "Antineoplastic Agents. 224 Isolation and Structure of Neristatin 1 ^{1a} ", <i>J. Am. Chem. Soc.</i> , Vol. 113, No. 17, pp. 6693-6695 (1991).					
	CG	D. Schaufelberger et al., "Revised Structure of Byrostatin 3 and Isolation of the Bryostatin 3 26-Ketone from <i>Bugula neritina</i> ", <i>J. Org. Chem.</i> , Vol. 56, pp. 2895-2900 (1991).					
	CH	W. Murayama et al., "A New Centrifugal Counter-Current Chromatograph and Its Application", <i>Journal of Chromatography</i> , Vol. 239, pp. 643-649 (1982).					
	CI	D. Martin et al., "Countercurrent Chromatography for Drug Discovery and Development". <i>CCC for Drug Discovery and Development</i> , Chapter Nine, pp. 565-581. 1988					
	CJ	S. Kohmoto et al., "Isospongiadiol, a Cytotoxic and Antiviral Diterpene from a Caribbean Deep Water Marine Sponge, <i>Spongia sp.</i> ", <i>Chemistry Letter</i> , pp. 1687-1690 (1987).					

CK	G. Pettit et al., "Isolation and Structure of Bryostatins 14 and 15 ¹ ", <i>Tetrahedron</i> , Vol. 47, No. 22, pp. 3601--3610 (1991).
CL	R. Bruening et al., "Isolation of Tunichrome B-1, A Reducing Blood Pigment of the Sea Squirt, <i>Ascidia Nigra</i> ¹ ", <i>Journal of Natural Products</i> , Vol. 49, No. 2, pp. 193-204 (1986).
CM	M. Reetz et al., "Sterioselektive Synthesis of β -Amino Alcohols from Optically Active α -Amino Acids", <i>Angew. Chem. Int. Ed. Eng.</i> , Vol. 26, No. 11, pp. 1141-1143 (1987).
CN	Prostenik et al., "Application of the Asymmetric Synthesis in the Determination of the Configuration of Amino Alcohols and Diamines with Two Adjacent Asymmetric Carbon Atoms", <i>Croatica Chemica Acta</i> , Vol. 29, pp. 393-402 (1957).
CO	B. Ravi et al., "Recent Research in Marine Natural Products: The Puuohenones", <i>Pure & Appl. Chem.</i> , Vol. 51, pp. 1893-1900. 1979
CP	A. Stierle et al., "A Marine <i>Micrococcus</i> Produces Metabolites Ascribed to the Sponge <i>Tedania ignis</i> ", <i>Experientia</i> , Vol. 44, pp. 1021 (1988).
CQ	F. Schmitz et al., "Metabolites from the Marine Sponge <i>Tedania ignis</i> . A New Atisanediol and Several Known Diketopiperazines ¹ ", <i>J. Org. Chem.</i> , Vol. 48, pp. 3941-3945 (1983).
CR	R. Dillman et al., "An Unusual Sulfur-Containing Diketopiperazine from the Bermudian Sponge <i>Tedania Ignis</i> ¹ ", <i>Journal of Natural Products</i> , Vol. 54, No. 4, pp. 1159-1161 (1991).
CS	A. Stierle et al., "Maculosin, a host-speciific phytotoxin for spotted knapweed from <i>Alternaria alternata</i> ", <i>Proc. Natl. Acad. Sci USA</i> , Vol. 85, pp. 8008-8011 (1988).
CT	A. Stierle et al., "Benzothiazoles From a Putative Bacterial Symbiont of the Marine Sponge <i>Tedania ignis</i> ¹ ", <i>Tetrahedron Letters</i> , Vol. 32, No. 37, pp. 4847-4848 (1991).
CU	M. Raub et al., "Clavepictines A and B: Cytotoxic Quinolizines From the Tunicate <i>Clavelina picta</i> ¹ ", <i>J. Am. Chem. Soc.</i> , Vol. 113, pp. 3178-3180 (1991).
CV	S. Sakemi et al., "Xestamines A, B and C, Three New Long-Chain Methoxylamine Pyridines from the Sponge <i>Xestopongia Weidenmayeri</i> ", <i>Journal of Natural Products</i> , Vol. 53, No. 4, pp. 995-999 (1990).
CW	D. Steirle et al., "Antimicrobial N-Methylpyridinium Salts Related to the Xestamines From the Caribbean Sponge <i>Calyx Podatypa</i> ", <i>Journal of Natural Products</i> , Vol. 54, No. 4, pp. 1134-1136 (1991).
CX	S. Kohmoto et al., "1,1-Dimethyl-5-6-dihydroxyindolinium chloride from a deep water marine spong, <i>Dercitus sp.</i> ", <i>Experientia</i> , Vol. 44, pp. 85-86. 1988
CY	H. Sun, et al., "A Brominated (Aminoimidazolyl)indole from the Sponge <i>Discodermia polydiscus</i> ", <i>J. Org. Chem.</i> , Vol. 56, pp. 4307-4308 (1991).
CZ	R. Sakai et al., "Manzamine B and C, Two Novel Alkaloids from the Sponge <i>Halicloma sp.</i> ", <i>Tetrahedron Letters</i> , Vol. 28, No. 45, pp. 5493-5496 (1987).
CCA	S. Bobzin et al., "Aromatic Alkaloids from the Marine Sponge <i>Chelonaplysilla sp.</i> ", <i>J. Org. Chem.</i> , Vol. 56, pp. 4403-4407 (1991).
CCB	S. Sakemi et al., "Nortopsentins A, B, and C. Cytotoxic and Antifungal Imidazole-diylbis[indoles] from the Sponge <i>Spongosorites ruetzleri</i> ", <i>J. Org. Chem.</i> , Vol. 56, pp. 4304-4307 (1991).
CCC	P. Keifer et al., "Bioactive Bromopyrrole Metabolites from the Caribbean Sponge <i>Angelas conifera</i> ", <i>J. Org. Chem.</i> , Vol. 56, pp. 2965-2975 (1991).

	CCD	F. Schmitz et al., "Biologically active compounds from marine organisms", <i>Pure & Appl. Chem.</i> , Vol. 62, No. 7, pp. 1393-1396 (1990).
	CCE	D. Schaufelberger et al., "Separation of Pyrroloimidazoles from Indo-Pacific Marine Sponges by High-Speed Countercurrent Distribution", <i>Journal of Liquid Chromatography</i> , pp. 1909-1917 (1989).
	CCF	G. Pettit et al., "Antineoplastic agents. 168. Isolation and structure of axinonydantoin ¹ ", <i>Can. J. Chem.</i> , Vol. 68, pp. 1621-1624 (1990).
	CCG	F. Schmitz et al., "Cytotoxic Aromatic Alkaloids from the Ascidian <i>Amphicarpa meridiana</i> and <i>Leptoclinides</i> sp.: Meridine and 11-Hydroxyascididemin", <i>J. Org. Chem.</i> , Vol. 56, pp. 804-808 (1991).
	CCH	G. Gunawardana et al., "Dercitin, a New Biologically Active Acridine Alkaloid from a Deep Water Marine Sponge, <i>Dercitus</i> sp.", <i>J. Am. Chem. Soc.</i> , Vol. 110, pp. 4856-4848 (1988).
	CCI	G. Gunawardana et al., "Pyridoacridine Alkaloids from Deep-Water Marine Sponges of the Family Pachastrellidae: Structure Revision of Dercitin and Related Compounds and Correlation with the Kuanoniamines", <i>J. Org. Chem.</i> , Vol. 57, pp. 1523-1526 (1992).
	CCJ	G. Gunawardana et al., "New Cytotoxic Acridine Alkaloids from Two Deep Water Marine Sponges of the Family <i>Pachastrellidae</i> ", <i>Tetrahedron Letters</i> , Vol. 30, No. 33, pp. 433359-4362 (1989).
	CCK	S. Sakemi et al., "Batzellines A, B, C, Novel Pyrroloquinoline Alkaloids From the Sponge <i>Batzella</i> Sp.", <i>Tetrahedron Letters</i> , Vol. 30, No. 19, pp. 2517-2520 (1989).
	CCL	H. Sun et al., "Isobatzellines A, B, C, and D. Cytotoxic and Antifungal Pyrroloquinoline Alkaloids from the Marine Sponge <i>Batzella</i> sp.", <i>J. Org. Chem.</i> , Vol. 55, pp. 4964-4966 (1990).
	CCM	G. Kalaus et al., "Synthesis of Vinca Alkaloids and Related Compounds. 37 ¹ . Some New Reactions of (\pm)-C-Norquebrachamine and Its Derivatives", <i>J. ORg. Chem.</i> , Vol. 53, pp. 42-45 (1988).
	CCN	E. Jares-Erijman et al., "Crambescidins: New Antiviral and Cytotoxic Compounds from the Sponge <i>Crambe crambe</i> ¹ ", <i>J. Org. Chem.</i> , Vol. 56, pp. 5712-5715 (1991).
	CCO	Y. Kashman, et al., "Ptilomycalin A: A Novel Polycyclic Guanidine Alkaloid of Marine Origin", <i>J. Am. Chem. Soc.</i> , Vol. 111, pp. 8925-8926 (1989).
	CCP	R. Berlinck et al., "Two new guanidine alkaloids from the Mediterranean sponge <i>Crambe crambe</i> ", <i>Tetrahedron Letter</i> , Vol. 31, No. 45, pp. 6531-6534 (1990).
	CCQ	K. Rinehart et al., "Ecteinasidins 729, 743, 745, 759A, 759B, and 770: Potent Antitumor Agents from the Caribbean Tunicate <i>Ecteinascidia turbinata</i> ¹ ", <i>J. Org. Chem.</i> , Vol. 55, pp. 4512-4515 (1990).
	CCR	A. Wright, et al., "Antitumor Tetrahydroisoquinolline Alkaloids from the Colonial Ascidian <i>Ecteinascidia turbinata</i> ", <i>J. Org. Chem.</i> , Vol. 55, pp. 4508-4512 (1990).
	CCS	R. Brusca and G. Brusca, <i>Invertebrates</i> , Sinauer Associates, Sunderland, MA, (1990), pp. 706-709.
	CCT	B. Palameta et al., "Chromatography of the Lipide Bases on Paper Impregnated with Silicic Acid", <i>Croatica Chemica Acta</i> , Vol. 33, pp. 133-135 (1961).
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EXAMINER		DATE CONSIDERED
<p>*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.</p> <p>**Copies of references not provided at the time of this submission.</p>		

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